

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

HOWARD JONES,

Plaintiff,

vs.

FORT PECK ASSINIBOINE &
SIOUX TRIBES,

Defendants.

CV 15-86-GF-BMM-JTJ

**ORDER ADOPTING UNITED STATES
MAGISTRATE JUDGE’S FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 5, 2016. (Doc. 6.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Petitioner Howard Jones is a tribal prisoner proceeding pro se. (Doc. 6.) Judge Johnston ordered Jones to show what steps he had taken to exhaust his tribal remedies. (*Id.*) Judge Johnston advised Jones that his failure to respond to the

Court's order would result in a recommendation that his petition should be dismissed with prejudice. (*Id.*)

Jones failed to timely respond to the Order. His petition should be dismissed with prejudice for failure to exhaust. There exists no clear error in any of the Magistrate's Findings and Recommendations, therefore,

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 6) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Jones' petition (Doc. 1) is **DISMISSED** with prejudice for failure to exhaust tribal remedies.

The Clerk of Court is directed to enter, by separate document, a judgment of dismissal.

A certificate of appealability is **DENIED**.

DATED this 2nd day of March, 2016.



Brian Morris
United States District Court Judge